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PTO/SB/21 (02-04)

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# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	10/817,058
Filing Date	April 2, 2004
First Named Inventor	John E. Baker, et al.
Art Unit	1614
Examiner Name	Unknown
Attorney Docket Number	BA-32448(1)

## ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC)
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<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	Form 1449, copy of references (5 sheets)
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<input type="checkbox"/> Response to Missing Parts/Incomplete Application	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Whyte Hirschboeck Dudek S.C. Kristine M. Strodthoff (34,259)
Signature	Kristine M Strodthoff
Date	July 2, 2004

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

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Signature	Patricia Lickan	Date	7-2-4

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PATENT

Attorney Docket No. BA-32448(1)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant : John E. Baker, et al.  
Serial No. : 10/817,058  
Filing Date : April 2, 2004  
For : Method of Treating Cardiac Ischemia by Using Erythropoietin  
Examiner : Unknown  
Group Art Unit: 1614  
Confirmation No.: 2664

**CERTIFICATION UNDER 37 CFR 1.8(a) and 1.10**

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Patricia Dickson

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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Sir:

Pursuant to 37 C.F.R. §§ 1.56 and 1.97, Applicant submits the information listed on the enclosed Form 1449 for consideration in the above-identified application. No representation is made that a reference is "prior art" within the meaning of 35 U.S.C. §§ 102 and 103.

This Information Disclosure Statement is being filed before the mailing of a first action on the merits. Therefore, no fee is due for consideration of the enclosed information.

Return of the enclosed Form 1449 in the next communication to Applicant, showing the citations as initialed and considered, is respectfully requested.

Respectfully submitted,

Kristine M. Strodthoff

Kristine M. Strodthoff  
Registration No. 34,259

Dated: July 2, 2004

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**JUL 07 2004**

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Substitute for form 1449/PTO

# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

**(Use as many sheets as necessary)**

**Complete if Known**

Application Number	10/817,058
Filing Date	April 2, 2004
First Named Inventor	John E. Baker, Ph.D.
Art Unit	1614
Examiner Name	Unknown
Attorney Docket Number	BA-32448(1)

Sheet 1 of 5

## U. S. PATENT DOCUMENTS

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## FOREIGN PATENT DOCUMENTS

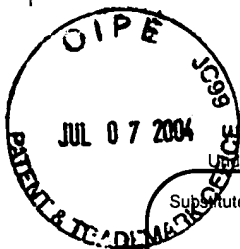
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<sup>1</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>2</sup>Applicant's unique citation designation number (optional). <sup>3</sup>See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>4</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>5</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>6</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>7</sup>Applicant is to place a check mark here if English language Translation is attached.

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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

**Complete if Known**

Application Number	10/817,058
Filing Date	April 2, 2004
First Named Inventor	John E. Baker, et al.
Art Unit	<del>Unknown</del> 1614
Examiner Name	Unknown
Attorney Docket Number	BA-32448(1)

Sheet	2	of	5
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**NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		Hoffman, 2000 "Incidence, prevalence, and inheritance of congenital heart disease." In J. Moller, and J. Hoffman (eds.), Pediatric Cardiovascular Medicine: 257-262. New York: Churchill Livingstone.	
		Baker et al., 1995, "Tolerance of the developing heart to ischemia: impact of hypoxemia from birth", Am. J. Physiol. 268:H1165-1173.	
		Rafiee et al., 2002, "Activation of protein kinases in chronically hypoxic infant human and rabbit hearts: role in cardioprotection", Circulation 106:239-245.	
		Shi et al., 2000, "Chronic myocardial hypoxia increases nitric oxide synthase and decreases caveolin-3." Free Radic. Biol. Med. 29:695-703.	
		Baker et al., 1997, "KATP channel activation in a rabbit model of chronic myocardial hypoxia", J Mol Cell Cardiol 29:845-848.	
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		Nagata et al., 1998, "Activation of p38 MAP kinase and JNK but not ERK is required for erythropoietin-induced erythroid differentiation", Blood 92:1859-1869.	
		Siren et al., 2001, "Erythropoietin prevents neuronal apoptosis after cerebral ischemia and metabolic stress", Proc. Natl. Acad. Sci. U.S.A. 98:4044-4049.	
		Baker et al., 1999, "Preconditioning in immature rabbit hearts: role of KATP channels", Circulation 99:1249-1254.	
		Xu et al., 2002, "Cytoprotective role of Ca <sup>2+</sup> - activated K <sup>+</sup> channels in the cardiac inner mitochondrial membrane", Science 298:1029-1033.	

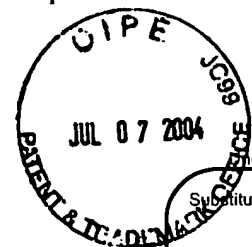
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First Named Inventor	John E. Baker, et al.
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Sheet	3	of	5
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		Walker et al., 2000, "Nitric oxide-dependent pulmonary vasodilation in polycythemic rats", Am. J. Physiol. Heart Circ. Physiol. 279:H2382-2389.	
		Ammarguella et al., 2001, "Low doses of EPO activate MAP kinases but not JAK2-STAT5 in rat vascular smooth muscle cells", Biochem. Biophys. Res. Commun. 284:1031-1038.	
		Devemy et al., 1997, "Activation of Raf-1 and mitogen-activated protein kinases by erythropoietin and inositolphosphate-glycan in normal erythroid progenitor cells: involvement of protein kinase C." Cell Signal 9:41-46.	
		Gross. 2000, "The role of mitochondrial KATP channels in cardioprotection", Basic Res Cardiol 95:280-284.	
		Sato et al., 2000, "The role of mitochondrial K(ATP) channels in cardioprotection", Basic Res Cardiol 95:285-289.	
		Eells et al., 2000, "Increased mitochondrial K(ATP) channel activity during chronic myocardial hypoxia. Is cardioprotection mediated by improved bioenergetics?" Circ Res 87:91	
		Suzuki et al., 2003, "Cardioprotective effect of diazoxide is mediated by activation of sarcolemmal but not mitochondrial ATP-sensitive potassium channels in mice", Circulation 107:682-685	
		Zhang et al., 2001, "Characteristics and superoxide-induced activation of reconstituted myocardial mitochondrial ATP-sensitive potassium channels", Circ Res 89:1177-1183.	
		Wu et al., 1999, "Relationship between erythropoietin and nitric oxide in the contraction of rat renal arcuate arteries and human umbilical vein endothelial cells", Clin Sci (Lond) 97:413-419.	
		Digicaylioglu et al., 2001, "Erythropoietin-mediated neuroprotection involves cross-talk between Jak2 and NF-kappaB signalling cascades", Nature 412:641-647.	

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		Siebenlist. 2001, "Signal transduction. Barriers come down", Nature 412:601-602.	
		Jones et al., 2001, "Hypoxic preconditioning induces changes in HIF-1 target genes in neonatal rat brain", J. Cereb. Blood Flow Metab. 21:1105-1114.	
		Parsa et al., 2003, "A novel protective effect of erythropoietin in the infarcted heart", J Clin Invest 112:999-1007.	
		Cai et al., 2003, "Hearts from rodents exposed to intermittent hypoxia or erythropoietin are protected against ischemia-reperfusion injury", Circulation 108:79-85.	
		Clements-Jewery et al., 2002, "Independent contribution of catecholamines to arrhythmogenesis during evolving infarction in the isolated rat heart", Br J Pharmacol 135:807-815	
		Farkas et al., 2002, "Limited antifibrillatory effectiveness of clinically relevant concentrations of class I antiarrhythmics in isolated perfused rat hearts", J Cardiovasc Pharmacol 39:412-424.	
		Baker et al., 2000, "Resistance to myocardial ischemia in five rat strains: is there a genetic component of cardioprotection?" Am. J. Physiol. Heart Circ. Physiol. 278:H1395-1400.	

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		First Named Inventor	John E. Baker, Ph.D.
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Sheet	5 of 5	Attorney Docket Number	BA-32448(1)
<b>NON PATENT LITERATURE DOCUMENTS</b>			
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		Cody et al., Frequency of administration of recombinant human erythropoietin for anaemia of end-stage renal disease in dialysis patents (Cochrane Review), from <i>The Cochrane Library</i> , Issue 1, 2004, Chichester, UK: John Wiley & Sons, Ltd. ( <a href="http://www.update-software.com/abstracts/AB003895.html">www.update-software.com/abstracts/AB003895.html</a> )	
		Parsa et al., A novel protective effect of erythropoietin in the infarcted heart, <i>J. Clin. Invest.</i> 112(7): 999-1007 (Oct. 2003)	
		Ravingerovia et al., Preconditioning Modulates Susceptibility to Ischemia-induced Arrhythmias in the Rat Heart: The Role of $\alpha$ -Adrenergic Stimulation and K (ATP) Channels, <i>Physiol. Res.</i> 51: 109-119 (2002)	
		Shi et al., Acute Cardioprotective Effects of Erythropoietin are Mediated by Activation of Protein Kinases and Potassium Channels, <i>Circulation</i> (Supp. IV) 108 (17): Abstract 1299 (Oct. 28, 2003)	
		Shi et al., Acute Cardioprotective Effects of Erythropoietin in Infant Rabbits are Mediated by Activation of Protein Kinases and Potassium Channels, <i>Basic Res. Cardiol.</i> 99: 1-10 (Published on line Jan. 29, 2004)	
		Cody et al., Recombinant human erythropoietin for chronic renal failure anaemia in pre-dialysis patients (Cochrane Review), ), from <i>The Cochrane Library</i> , Issue 1, 2004, Chichester, UK: John Wiley & Sons, Ltd. ( <a href="http://www.update-software.com/abstracts/AB003266.html">www.update-software.com/abstracts/AB003266.html</a> )	

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SignatureDate  
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